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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
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10 CHRISTINA LABAJO, HOWARD CLARK, and
BERRY SAIZON

11 Plaintiffs,

12 vs.

13 GENERAL NUTRITION CORPORATION and
14 DOES 1-100,

15 Defendants.
16

Case No.: 4:19-cv-01984-HSG

**STIPULATION TO CONTINUE THE
INITIAL CASE MANAGEMENT
CONFERENCE AND ~~PROPOSED~~
ORDER [L.R. 6-2]**

17 Pursuant to Local Rule 6-2, of the United States District Court for the Northern District of
18 California, Plaintiffs Christina Labajo, Howard Clark, and Berry Saizon (collectively, "Plaintiffs"),
19 and Defendant General Nutrition Corporation ("Defendant" or "GNC") (collectively, the "Parties"),
20 have met and conferred and hereby submit the following Stipulation to continue the initial Case
21 Management Conference currently scheduled for July 16, 2019.

22 **RECITALS**

23 WHEREAS, on March 12, 2019, Plaintiffs filed a Complaint in the Superior Court of the
24 State of California for the County of San Francisco, Case No. CGC-19-574459;

25 WHEREAS, on April 12, 2019, Defendant filed a Notice of Removal of Plaintiffs' lawsuit
26 pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 [ECF No. 1];

27 WHEREAS, on April 12, 2019, Magistrate Judge Elizabeth D. Laporte issued an Order
28 Setting Initial Case Management Conference and ADR Deadlines [ECF No. 5];

1 WHEREAS, on April 16, 2019, Plaintiffs filed a declination to have a United States
2 Magistrate Judge conduct all further proceedings in the action [ECF No. 6], and this action was
3 reassigned to the Honorable Haywood S. Gilliam, Jr. [ECF No. 8];

4 WHEREAS, on April 17, 2019, the Parties stipulated to extend the time for GNC to respond
5 or otherwise move to Plaintiffs' Complaint [ECF No. 9];

6 WHEREAS, on June 11, 2019, Defendant filed its Answer and Affirmative Defenses to
7 Plaintiffs' Complaint pursuant to the stipulation of the Parties [ECF No. 11];

8 WHEREAS, on June 26, 2019, the Court set the initial case management conference for July
9 16, 2019 at 2:00 p.m. [ECF No. 12];

10 WHEREAS, Defendant's counsel has an unavoidable conflict on July 16, 2019, as counsel
11 has already purchased airfare for travel from San Francisco, California to Phoenix, Arizona, to
12 attend a pretrial hearing on July 17, 2019, followed by jury selection on July 18, 2019, in a matter
13 entitled *Wickenburg Unified School District. No. 9 v. Turner Construction Company, et al.*, Case No.
14 CV2015-011304, in Maricopa County Superior Court, Arizona;

15 WHEREAS, counsel for the Parties met and conferred and agreed to request a continuance of
16 the initial case management conference in this case to August 13, 2019 or August 20, 2019;

17 WHEREAS, there has been 1 prior time modification in this case;

18 WHEREAS, the requested time modification will affect no other deadlines in this action; and

19 WHEREAS, for the reasons set forth herein, good cause exists to continue the initial case
20 management conference.

21 NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING, IT IS HEREBY
22 STIPULATED, by and between the Parties, that the initial case management conference be
23 continued to August 13, 2019 or August 20, 2019 at 2:00 p.m.

24 Dated: June 28, 2019

FEINSTEIN DOYLE PAYNE & KRAVEC, LLC

25 By: /s/ Wyatt A. Lison

26 Wyatt A. Lison

27 Attorneys for Plaintiffs

Christina Labajo, Howard Clark, and

28 Berry Saizon


1 Dated: June 28, 2019

COZEN O'CONNOR

2 By: /s/ Andrew M. Hutchison
3 Andrew M. Hutchison
4 Attorneys for Defendant
General Nutrition Corporation

5 **PURSUANT TO STIPULATION, IT IS SO ORDERED. The case management conference**
6 **continued to August 20, 2019 at 2:00 p.m.**

7 Date: 6/28/2019

8 
9 Hon. Haywood S. Gilliam, Jr.
10 U.S. District Judge
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